

REMARKS

Summary of Office Action

Claims 1-15 are pending in the above-identified patent application.

The Examiner objected to the claims as "[containing] multiple occurrences of the use of an article immediately preceding a gerund" (Office Action, ¶ 1).

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Shennib et al. U.S. patent 6,464,709 (hereinafter "Shennib"). The Examiner rejected claims 10-15 under 35 U.S.C. § 103(a) as being unpatentable over Shennib in view of Goldsteen et al. U.S. patent 5,976,178\* (hereinafter "Goldsteen").

The Examiner's claim objections and rejections are respectfully traversed.

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\* In the Office Action, the Examiner refers to "Goldsteen et al. 5,976,179" (Office Action, ¶ 3). Applicants believe that this is an inadvertent error and that the Examiner intended to refer to Goldsteen et al. U.S. patent 5,976,178.

The Objections to the Claims

The Examiner objected to the claims as "[containing] multiple occurrences of the use of an article immediately preceding a gerund" (Office Action, ¶ 1). As examples, the Examiner refers to claim 3, line 2, requesting that the word "the" be deleted, and claim 4, line 5, requesting that the words "insertion of" replace the word "inserting." The Examiner's objections are respectfully traversed.

Applicants respectfully submit that the language to which the Examiner objects is standard claim drafting language. In particular, it is standard claim drafting practice to refer to a previously defined feature in a claim using the exact language of that feature in order to ensure proper antecedent basis in the claim. Applicants' claim 3, for example, properly refers to the "installing the first hollow annular connector," and applicants' claim 4, for example, properly refers to the "inserting the first connector into the graft conduit." Accordingly, applicants respectfully request that the objections to the claims be withdrawn.

The Rejection of Claims 1-9  
Under 35 U.S.C. § 102(e)

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shennib. The Examiner's rejection is respectfully traversed.

Applicants' method of making a graft connection, as defined by independent claim 1, is not anticipated by Shennib because applicants' method is for "making a graft connection between first and second portions of a patient's tubular body tissue conduit system." Applicants' claim 1 describes forming first and second apertures in a side wall of the graft conduit, and forming third and fourth apertures in a side wall of the body tissue conduit. A first hollow annular connector is installed through the approximated first and third apertures, thereby forming a first hollow annular anastomotic connection. A second hollow annular connector is installed through the approximated second and fourth apertures, thereby forming a second hollow annular anastomotic connection. Applicants' method is shown, for example, in FIGS. 44-53, which demonstrate the "[creation of] two anastomoses using a single graft conduit" (p. 54, lines 15 and 16).

In Shennib, in contrast, there is no teaching or suggestion of a method for "making a graft connection between first and second portions of a patient's tubular body tissue conduit system," as defined by applicants' claim 1. Rather, Shennib only discloses the creation of one connection between vessels (see, for example, FIG. 2). Shennib fails to teach or suggest any of the steps involved in creating a second connection, as defined by applicants' claim 1. In particular, Shennib neither teaches nor suggests "forming a second aperture in [a] side wall of [a] graft conduit," "forming a fourth aperture in a side wall of [a] second portion of [a] body tissue conduit," or "installing a second hollow annular anastomotic connector through the approximated second and fourth apertures to form a second hollow annular anastomotic connection," as defined by applicants' claim 1.

With regard to the creation of a second connection, the Examiner appears to contend that, because "Shennib et al. discloses that this device may be used to construct a surgical bypass" (Office Action, ¶ 2), Shennib somehow teaches or suggests a method for creating a second connection. Applicants respectfully submit that the mere reference in Shennib to "bypass surgery" in no way teaches or suggests a method for

making a second connection between vessels. Shennib provides no guidance as to how such a second connection would, or even could, be made using device 1 of Shennib.

Additionally, applicants' method, as defined by independent claim 1, is not anticipated by Shennib because applicants' method is for installing a "hollow annular connector." Such a connector is shown, for example, in applicants' FIGS. 2-5.

In Shennib, in contrast, the disclosed method is for installing a device that is not a "hollow annular connector." Rather, as shown in FIG. 1, for example, the device of Shennib includes "two partial cylindrical segments . . . interconnected along the periphery of an opening" (col. 2, lines 15 and 16). As shown in FIG. 3, for example, another embodiment of the device of Shennib includes two "full (complete) cylindrical segments . . . interconnected along the periphery of an opening" (col. 2, lines 20-22). Neither the device of FIG. 1 nor the device of FIG. 3 is a "hollow annular connector." Accordingly, applicants respectfully submit that Shennib fails to teach or suggest a method for installing a "hollow annular connector," as defined by applicants' claim 1.

Thus, for at least the foregoing reasons, claim 1 is not anticipated by Shennib and is allowable. In addition, claims 2-9 are allowable at least because independent claim 1, from which claims 2-9 depend, is allowable. Therefore, applicants respectfully request that the rejection of claims 1-9 based on Shennib be withdrawn.

The Rejection of Claims 10-15  
Under 35 U.S.C. § 103(a)

Claims 10-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shennib in view of Goldsteen. Independent claim 1 is allowable at least for the reasons provided hereinabove. Claims 10-15 are allowable because independent claim 1, from which claims 10-15 depend, is allowable. The Examiner's contentions with respect to these dependent claims are therefore moot. Accordingly, applicants respectfully request that the rejection of claims 10-15 be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-15 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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